

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**CARL FORSELL**

**Plaintiff,**

**vs.**

**SQUIRRELS, LLC, et al.**

**Defendants.**

**Case No: 22-cv-01454**

**Judge: Lioi**

**Magistrate Judge: Henderson**

<p style="text-align: center;"><b>PLAINTIFF'S MOTION TO HOLD DEFENDANT'S MOTION TO DISMISS IN ABEYANCE OR ALTERNATIVELY TO DROP DAVID STANFILL AS A PARTY DEFENDANT WITHOUT PREJUDICE</b></p>
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NOW COMES Plaintiff Carl Forsell, d/b/a Nonce Pte., Ltd. (hereinafter 'Mr. Forsell'), by and through undersigned, hereby respectfully requests this Court hold Defendant David Stanfill's (hereinafter 'Mr. Stanfill') Motion to Dismiss the Amended Complaint as to him in abeyance pending Plaintiff's receipt of outstanding discovery requests propounded on Mr. Stanfill and Defendant Squirrels, LLC (hereinafter 'Squirrels'). Alternatively, in accordance with Rule 21 of the Federal Rules of Civil Procedure, Mr. Forsell respectfully requests this Court drop David Stanfill as a party defendant. The facts and circumstances surrounding this request are fully set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/- Thomas L. Sooy

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**MEMORANDUM IN SUPPORT**

On March 29, 2024, Mr. Forsell filed a Motion for Joinder along with an Amended Complaint in which he requests Mr. Stanfill be added as a party Defendant for the purpose of asserting claims under the Ohio Uniform Fraudulent Transfer Act against Mr. Stanfill. *See Pl's Amended Complaint*, Mar. 29, 2024, [ECF 32]. These claims mirror pending claims filed against Mr. Stanfill by the Bankruptcy Trustee in the context of the Squirrels Research Labs, LLC (a related but distinct entity) bankruptcy proceeding. *See In Re Squirrels Research Labs, LLC, Frederic P. Schwieg, Trustee v. David Stanfill*, O.H.N.D. case no. 23-06028, *Complaint*, Nov. 21, 2023, [ECF 1]. Mr. Stanfill responded with a Motion to Dismiss. *See Def. Mot. to Dismiss*, Apr. 1, 2024, [ECF 33]. Shortly thereafter, the parties agreed to mediate this case and the time to respond to the Motion to Dismiss was extended in turn. *See Order of Referral to ADR*, Apr. 3, 2024 [ECF 35]. Unfortunately, mediation did not result in resolution to this matter as to Mr. Forsell and Squirrels/Mr. Stanfill.

In support of his Motion to hold the Motion to Dismiss in abeyance, Mr. Forsell contends that on April 18, 2024, he served an initial Set of Written Discovery on Squirrels. Included in this initial set of Discovery are requests for an itemization of any and all transactions between Squirrels and Mr. Stanfill for the timeframe relevant to this action as well as documentation evidencing those transactions. *See Pl's First Combined Set of Interrogatories, Requests for Admission, and Request for Production*, Apr. 18, 2024, at ROG 5, POD 4, attached as **Exhibit A**. As of the date of this document's filing, complete responses to these discovery requests have not been received, specifically related to Interrogatory No. 5 and Request for Production No. 4 as

relevant to this Motion and Mr. Stanfill's pending Motion to Dismiss. *See Id.*<sup>1</sup> Additionally, on September 30, 2024, Plaintiff issued a Second Request for Production to Squirrels and Mr. Stanfill in which documents from a Squirrels bank account are requested. *See Pl's Second Request for Production of Documents*, attached as **Exhibit B**. Plaintiff contends that he needs complete responses to the April 18, 2024 and September 30, 2024 discovery requests in order to determine whether his fraudulent transfer claims can be pursued in this action, and therefore requests this Court refrain from ruling on the pending Motion to Dismiss until Squirrels and Mr. Stanfill submit their responses.

Alternatively, Mr. Forsell requests this Court drop Mr. Stanfill as a party defendant without prejudice in accordance with Fed. Civ. R. 21. *See Fed. Civ. R. 21*. Fed. Civ. R. 21 provides in relevant part that "on motion, or on its own, the court may at any time, on just terms, add or drop a party." *Id.* Therefore, in the event Mr. Forsell's request to hold the Motion to Dismiss in abeyance is not well taken, he respectfully requests this Court drop Mr. Stanfill as a party defendant at this time, subject to being re-added to this case upon receipt of the responses to the aforementioned discovery requests.<sup>2</sup>

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<sup>1</sup> None of the April 18, 2024 Interrogatories have been answered and the documents produced in response to the Requests for Production are incomplete.

<sup>2</sup> Mr. Forsell acknowledges that the Court's deadline for joining new parties to this case has expired, and in the event Mr. Stanfill is dropped as a defendant and a subsequent request to re-add him as a party is made, Mr. Forsell would request leave of court in conjunction with his Motion to Add and Amended Complaint.

Respectfully submitted,

/s/- Thomas L. Sooy  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2024, the forgoing Motion was served via electronic mail and/or the Court's electronic filing system upon the following:

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